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PTO/SB/33 (07/05)

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| PRE-APPEAL BRIEF REQUEST FOR REVIEW | | Docket Number (Optional) ITL.0778US (P10142) | |
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR | | Application Number 09/706,501 | Filed November 2, 2000 |
| on <u>December 15, 2005</u> | | First Named Inventor Oleg Rashkovskiy | |
| Signature <u><i>Nancy Meshkoff</i></u> | | Art Unit 2131 | Examiner Arezoo Sherkat |
| Typed or printed name <u>Nancy Meshkoff</u> | | | |
| Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. | | | |
| This request is being filed with a notice of appeal. | | | |
| The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided. | | | |
| I am the | | Signature <u><i>Rhonda L. Sheldon</i></u> | |
| <input type="checkbox"/> applicant/inventor. | | Typed or printed name <u>Rhonda L. Sheldon</u> | |
| <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) | | (713) 468-8880 | |
| <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>50,457</u> | | Telephone number | |
| <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____ | | December 15, 2005 | |
| | | Date | |
| NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below. | | | |
| <input type="checkbox"/> *Total of _____ forms are submitted. | | | |

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|-------------|--|---|-----------------|---------------------|
| Applicants: | Oleg Rashkovskiy | § | Art Unit: | 2131 |
| Serial No.: | 09/706,501 | § | Examiner: | Arezo Sherkat |
| Filed: | November 2, 2000 | § | Atty. Dkt. No.: | ITL.0778US (P10142) |
| For: | Content Protection Using Block Reordering | § | Assignee: | Intel Corporation |
| | | § | Conf. No.: | 8091 |

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

The Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal and accompanying fee.

Date of Deposit: December 15, 2005
I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.
Nancy Meshkoff
Nancy Meshkoff

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REASONS FOR REQUEST

The examiner has failed to establish *prima facie* anticipation of one or more of the independent claims and claims dependent thereon for at least the reasons outlined below.

In the rejection of claim 1, the examiner cites to Etzel at column 2, lines 40-67 and column 3, lines 4-37 as disclosing a key generator for generating a key according to an identifier value of another apparatus. *See* Paper No. 20050906, page 3. Additionally, the examiner cites to column 3, lines 37-67 and column 4, lines 1-9 as disclosing a reorderer for reordering blocks of an original content item according to the key. *Id.* The cited passages of Etzel simply do not teach or suggest generating a key that is used to encrypt video according to an identifier value of another apparatus.

For example, Etzel's unique program encryption keys are generated by head-end security module 30 before video is encrypted. *See* Abstract; column 1, line 53-column 2, line 8; column 2, lines 40-65; column 3, line 49-column 4, line 33. Only program encryption keys are used to encrypt video. Because Etzel's program encryption keys are not disclosed as being generated by the security module 30 according to an identifier value of another apparatus, *prima facie* anticipation has not been established.

Etzel's other keys such as S_{local} , S_{id} , and S_{common} are different from the program encryption keys in that they are utilized in the encryption and decryption of the program encryption keys. *Id.* *See also*, column 3, lines 9-48; column 4, lines 35-67; column 5, lines 8-25. For example, S_{local} is used to encrypt program encryption keys for storage in memory 26 before the program encryption keys are associated with video programs. Column 3, lines 38-65. When a video program is to be encrypted, an encrypted program encryption key is unloaded from the memory 26 and is decrypted by S_{local} . *Id.* *See also* column 4, lines 9-20. Like the program encryption keys, the security module 30 generates S_{local} and S_{id} . S_{local} and S_{id} are random numbers that are generated by the security module 30 when the module 30 is initially booted up. Column 3, lines 4-32. Therefore, S_{local} and S_{id} are not generated according to an identifier value of another apparatus and are not utilized to encrypt video.

S_{common} is generated external to module 30 and is supplied thereto during manufacturing/testing. *Id.* Etzel is silent as to how S_{common} is generated. *Id.* Accordingly,

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Etzel does not teach or suggest that S_{common} is generated as claimed or that it is utilized in encrypting a digital video stream.

In sum, generation of the key used to encrypt a digital video stream in Etzel is different from key generation as claimed. *See* Paper No. 20050906, page 3. Consequently, Etzel does not teach a key generator or a reorderer as claimed. For these reasons, the rejection of claim 1 and claims dependent thereon is believed to be in error.

As the rejection of independent claim 91 is substantially the same as the rejection of claim 1, the rejection of independent claim 91 and claims dependent thereon is also believed to be in error. *See* Paper No. 20050906, page 6.

The examiner's rejection of independent claim 56 is also in error. For example, claim 56 recites "a storage to store a copy of a client identifier *that identifies more than one client.*" The examiner's rejection fails to address the entire limitation. *See* Paper No. 22050906, page 3. Therefore, for this reason alone the rejection is in error.

Additionally, Etzel does not teach or suggest a client identifier that identifies more than one client. For example, a shared symmetrical encryption key, CV, is shared between two modules such as modules 30 and 50. Column 5, line 56-column 6, line 3. There is no indication that the CV shared between modules 30 and 50 is shared with any other module. Furthermore, as explained above with respect to claim 1, Etzel does not encrypt a video program using a key that is generated according to a copy of a client identifier. Thus, for at least these additional reasons, the rejection of claim 56 and claims dependent thereon is in error.

For at least the reasons previously argued, the rejection of claims 79-81 is also in error. Namely, the module 30 generates the program encryption keys used to decrypt video in a subscriber system. Etzel does not elaborate on how the program encryption keys are generated. Thus, Etzel cannot anticipate.

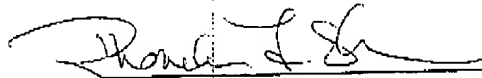
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CONCLUSION

Because one or more of the rejections in the Final Office Action are in error, finality should be withdrawn and the committee is asked to allow the application to pass to issue.

Respectfully submitted,

Date: December 15, 2005



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